

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                             ) Case No. 4:15-CR-0049-CDP (DDN)  
                                  )  
SEDINA UNKIC HODZIC,       )  
                                  )  
                                  )  
Defendant.                   )

**DEFENDANT SEDINA HODZIC'S OBJECTIONS TO REPORT AND  
RECOMMENDATION OF MAGISTRATE JUDGE**

Comes now Defendant Sedina Hodzic, by the through counsel, Paul D'Agrosa and Susan Kister, and objects to the Report and Recommendation of the Magistrate Judge regarding Defendant's Motion to Dismiss Indictment. In support of her motion, Defendant states:

1. Defendant moved to dismiss both counts against her (Counts I and III) on the grounds that the indictment failed to specifically charge facts in support of the requisite specific intent under the substantive charging statute, 18 U.S.C. §2339A, providing material support or resources knowing and intending that the material support or resources would be used to commit murder or maiming abroad, in violation of 18 U.S.C. §956(a). Defendant urged that the indictment was deficient, either because it failed to aver facts that Defendant's intent was to aid in murder or maiming overseas rather than an intent merely to aid in *fighting overseas*, or in the alternative, that the persons she was intending to aid were not committing murder

because they were in fact lawful combatants whose acts do not constitute murder under international treaty.

2. The Magistrate Judge recommended that Defendant's Motion to Dismiss be denied under both theories.

3. Defendant objects to the court's recommendation; reasserts that the indictment is insufficient on its face or that she has an affirmative defense under the theory of lawful combatant immunity; and states that she will file the requisite notice of affirmative defense so that evidence may be presented or developed in support of this defense in pretrial proceedings.

Respectfully submitted,

/s/Paul J. D'Agrosa  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of September, 2016 I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all counsel of record.

/s/ Paul D'Agrosa